

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Sid Miller, et al.,

Plaintiffs,

v.

Tom Vilsack, in his official capacity as
Secretary of Agriculture,

Defendant.

Case No. 4:21-cv-00595-O

**PLAINTIFFS' MOTION TO EXTEND THE DEADLINE FOR
RESPONDING TO THE MOTIONS FOR SUMMARY JUDGMENT**

On July 18, 2022, the parties and intervenors filed competing motions for summary judgment (ECF Nos. 217, 220, 222, and 224). The Court's order of April 5, 2022 (ECF No. 186) instructs the parties to file their responses to these motions by August 2, 2022. The plaintiffs respectfully ask the Court to extend this deadline for all parties by 14 days, to August 16, 2022.

The plaintiffs are requesting this additional time because they have not one but three summary-judgment briefs to which they must respond: one from Secretary Vilsack and two from the defendant-side intervenors. In addition, the plaintiff's lead counsel, Jonathan F. Mitchell, who will be researching and drafting the response, has faced numerous briefing deadlines and court appearances in other cases since the motions were filed on July 18, 2022, which will make it exceedingly difficult for him to prepare a sufficient response by August 2, 2022. Mr. Mitchell's obligations since July 18, 2022, include:

- Defending a deposition in *Neese v. Becerra*, No. 2:21-cv-00163-Z (N.D. Tex.), on July 22, 2022;

- Drafting and filing briefs opposing motions for discovery in *North Texas Equal Access Fund v. Maxwell*, No. 22-2100-431 (Denton County) and *Lilith Fund for Reproductive Equity v. Weldon*, No. 22-03-032 (Jack County), filed on July 24, 2022;
- Drafting and filing a motion for summary judgment in *Deanda v. Azar*, No. 2:20-cv-00092-Z (N.D. Tex.), filed on July 25, 2022;
- Arguing a motion for summary judgment in *Kelley v. Azar*, No. 4:20-cv-00283-O (N.D. Tex.), on July 26, 2022;
- Arguing a motion for preliminary injunction in *Sargent v. School District of Philadelphia*, No. 2:22-cv-01509-CFK (E.D. Pa.), scheduled for July 27, 2022;
- Defending a deposition in *Neese v. Becerra*, No. 2:21-cv-00163-Z (N.D. Tex.), scheduled for July 28, 2022;
- Drafting and filing a response to a motion to dismiss in *Little v. Llano County*, No. 1:22-cv-00424-RP (W.D. Tex.), due on July 29, 2022;
- An appellees' brief in *Braidwood Management Inc. v. EEOC*, No. 22-10145 (5th Cir.) due on August 1, 2022;
- A motion to dismiss in *National Ass'n of Social Workers v. City of Lebanon*, No. 1:22-cv-00258-SJD (S.D. Ohio), due on August 4, 2022;
- A motion for summary judgment and class certification in *Neese v. Becerra*, No. 2:21-cv-00163-Z (N.D. Tex.), due on August 5, 2022;

By contrast, Mr. Mitchell's schedule is mostly clear during the week of August 8, 2022, which will enable him to devote his time and attention to addressing the many facts and arguments raised in the defendant-side motions for summary judgment.

We have conferred with counsel for Secretary Vilsack and the intervenors. Each of the intervenors is opposed to this request. Secretary Vilsack takes no position on the requested two-week extension for all parties, but respectfully requests that the Court resolve the motions as quickly as possible once briefing is complete.

CONCLUSION

The plaintiffs' motion to extend the deadline for all parties to respond to the motions for summary judgment.

Respectfully submitted.

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Dated: July 26, 2022

*Counsel for Plaintiffs and
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CERTIFICATE OF CONFERENCE

I certify that I have conferred with Michael Knapp, counsel for the defendant, and he informed me that the defendant takes no position on the requested two-week extension for all parties, but respectfully requests that the Court resolve the motions as quickly as possible once briefing is complete. I have also conferred with Chase Cooper, counsel for the Federation of Southern Cooperatives/Land Assistance Fund, and with David Muraskin, counsel for the National Black Farmers Association and the Association of American Indian Farmers, and each of them informed me that the intervenors are unopposed to this motion.

/s/ Jonathan F. Mitchell
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CERTIFICATE OF SERVICE

I certify that on July 26, 2022, I served this document through CM/ECF upon:

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